



06-08-04

EFW

EXPRESS MAIL LABEL NO.: EV 396740928 US

PATENT APPLICATION

Docket No.: 7678.782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Carlos G. Puente, et al.

Serial No.: 10/786,214

Filed: February 25, 2004

Confirmation No.: Not Yet Known

For: RUBBER DAM FRAME

Examiner: Not Yet Known

)  
)  
)  
)  
) Art Unit  
) Not Known  
)  
)  
)  
)  
)  
)  
)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

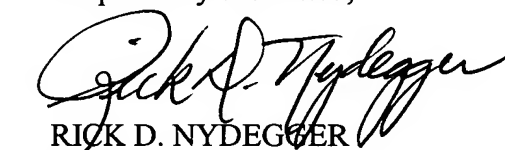
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

Dated this 7<sup>th</sup> day of June, 2004.

Respectfully submitted,

  
RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

RDN:kcs  
KCS0000002578V001

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. VEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
GREGORY M. TAYLOR  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED



R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ERIC M. KAMERATH  
ROBERT E. AYCOCK  
JENS C. JENKINS  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
DAVID J. LORENZ †  
RYAN N. FARR \*  
JAMES B. BELSHE

# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM



EXPRESS MAIL LABEL NO.: EV396740928US

PATENT APPLICATION

Docket No.: 7678.782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of eleven (11) references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

\* Admitted only in California

† Admitted only in New York

\_\_\_ Legible Copies of previously filed Information Disclosure  
Statement for application Serial No. \_\_\_\_, filed \_\_\_\_.

In order to secure consideration of the items designated above, one or  
more of the following, if required, is also enclosed:

\_\_\_ Promptness Certification.

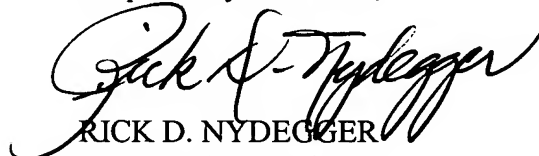
\_\_\_ Check No. \_\_\_\_\_ in the amount of \$240.00 constituting  
submission fee under 37 C.F.R. 1.17(p);

\_\_\_ Petition for Consideration and Check No. \_\_\_\_\_ in the  
amount of \$ \_\_\_\_\_.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is  
not satisfied that the Promptness Certification meets the  
requirements of 37 C.F.R. § 1.97(e), or in any other event  
remediable by a fee, please credit any over payment or charge any  
additional fees to Deposit Account No. 23-3178 of the  
undersigned.

Dated this 1<sup>st</sup> day of June, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913



EXPRESS MAIL LABEL NO.: EV 396740928 US

Form PTO-1449

Sheet 1 of 2

Applicant: Carlos G. Puente, et al.

Serial No.: 10/786,214

Att'y Docket No.: 7678.782

Filing Date: February 25, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: RUBBER DAM FRAME

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	3,406,452	10/22/68	McConville	32	35	09/02/66
_____ A2.	4,261,697	04/14/81	Newitter	433	137	02/15/80
_____ A3.	4,600,387	07/15/86	Ross	433	136	06/04/84
_____ A4.	4,721,465	01/26/88	Barasz	433	137	03/17/87
_____ A5.	4,828,491	05/09/89	Gray	433	136	03/24/88
_____ A6.	5,011,409	04/30/91	Gray	433	136	01/11/90
_____ A7.	5,078,604	01/07/92	Malmin	433	138	02/26/90
_____ A8.	5,499,917	03/19/96	Erickson, et al.	433	137	12/14/94
_____ A9.	5,931,673	08/03/99	Bolbolan	433	136	04/04/98
_____ A10.	6,299,446	10/09/01	Ahlers	433	136	11/05/99

U.S. Patent Publications

<u>Examiner Initial*</u>	<u>Publication Number</u>	<u>Publication Date</u>	<u>Name</u>
_____ A11.	US 2002/0061492	05/23/2002	Garrison

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740928 US

Form PTO-1449

Sheet 2 of 2

Applicant: Carlos G. Puente, et al.

Serial No.: 10/786,214

Att'y Docket No.: 7678.782

Filing Date: February 25, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: RUBBER DAM FRAME

---

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KCS0000002587V001

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Carlos G. Puente, et al.

Docket No.

7678.782

Serial No.  
10/786,214Filing Date  
February 25, 2004Confirmation No.  
Not KnownExaminer  
Not KnownGroup Art Unit  
Not Known

Invention: RUBBER DAM FRAME

I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (2 pgs); and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

Kendell Steele

---

(Typed or Printed Name of Person Mailing  
Correspondence)

---

(Signature of Person Mailing Correspondence)

**EV396740928US**

---

("Express Mail" Mailing Label Number)

KCS0000002581V001